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EDMONTON BULLETIN, DEC. 20, 1890.

THE ASSEMBLY FIGHT.

As a result of the proceedings at its last session the Northwest assembly has been favored with a measure of public interest not hitherto accorded it. On former occasions the duty of the local legislature, whether of the Territories or assembly, did not extend beyond the ordinary matters of local law making. But now, while the law making and amending business had to be proceeded with as usual, owing to the action of the executive—that of the lieutenant governor—the assembly was practically placed on trial for its life,—was required to show cause why it should exist as the legislative body which the Northwest act declared it to be, instead of the merely advisory body which the lieutenant governor wished to make it. The assembly having been called into existence by act of the parliament of Canada expressly for the purpose of legislating in regard to education, civil law, municipal institutions and like regulations, and generally speaking all matters of a merely local private nature in the Territories, and having been empowered to raise revenue by both direct and indirect taxation for the public purposes of the Territories, had failed to grant the same amount of what it said according to the usual meaning of the words when used in a like sense for like purposes. They had taken for granted according to their reading of the act that, as in all other representative bodies elected by majorities, the majority must rule, as expressly provided in section 12 of the amendments to the Northwest Territories act of 1888; that as expressly provided in section 14 of the same amendments, with the majority of the assembly lay the control of the raising and expenditure of the public revenues; and that section 13 of the amendments read in connection with sections 12 and 14 above mentioned, provided as expressly that the action of the executive—that is of the lieutenant governor—should be on the advice of a council responsible to the assembly, that is representing a majority of the assembly. They believed that when the act declared that the lieutenant governor should have the power to make ordinances for the government of the Northwest Territories—that is to govern “by and with the advice and consent of the legislative assembly of the Territories”—it meant what it said, and said what the parliament of Canada meant when the act was passed. They believed that in the representatives of the people was centered the authority of the government, and that the advisory council and the lieutenant governor were merely appliances by and through which their wishes could most conveniently be given effect. All this, be it remembered, is in line with the section of the act which states that “The lieutenant governor shall administer the government under instructions from time to time given him by the governor in council or by the Secretary of State of Canada.” This section of the act clearly cannot mean that the lieutenant governor may under instructions from Ottawa administer the government contrary to the other provisions of the act in which the section quoted is contained, but must mean that within the lines laid down by the several sections of the act, or in cases not otherwise provided for, he shall act under instructions from Ottawa. To put any other construction on this section would be to make the act contradictory and unconstitutional. The reading of the act was so clear on the question above mentioned that at the first session of the assembly there was a unanimous agreement on the subject between the representatives of the people on the one side and the representatives of the federal authority on the other, and the whole of the business of the first session was transacted with this understanding as a basis. The proceedings of the session were conducted with the utmost

publicity, and no protest was made from Ottawa that the intent of the Northwest act had been misunderstood, while the people of the Territories were thoroughly satisfied both with the manner in which the government was being conducted and with its practical results.

Not long after the opening of the second session of the assembly, however, it became apparent that the lieutenant governor was not satisfied with the position in which the assembly had placed him, namely, the executive officer of the assembly, and he demanded to exercise a separate authority, for which the act makes no provision. In defiance of section 13 of the amendments mentioned above he acted on several important occasions contrary to the advice of his advisors, and refused to submit the accounts for the expenditure of the sums voted at its first session by the assembly to that body at its second session, on the plea that he had the right to the control of a certain portion of that expenditure independent of the assembly or its vote. He having thus declared himself independent of the assembly and of the advice of his advisors who were then held by himself and by the house to be responsible to the assembly, there was nothing left for these members but to resign from the position of advisors which they promptly did.

A new advisory council was chosen by the lieutenant governor, with Dr. Brett as leader, who announced on taking office that an arrangement as to a division of financial control had been made between the council and the governor whereby the assembly would only have control of the funds raised directly from the people of the Territories, while the lieutenant governor was conceded absolute control of that part of the revenue of the Territorial government derived from year to year from Ottawa, he however agreeing to consult with the council as to the administration of these Ottawa funds. The assembly could find no provision in the Northwest act for such a division of control—could find nothing to show that such a division was in the remotest degree intended; the parliament which furnished the funds and the government through which they were furnished had given no intimation that such a division of control was desired to be made—and therefore very naturally refused to agree to the division. The amount involved was nearly nine-tenths of the revenue; on its proper expenditure depended the conduct of the school system of the Territories, the greater part of the public works of the Territories, including the well boring operations in the dry districts, the public printing, the salaries of officials, and indeed the conduct of the principal part of the business regarding which the assembly was empowered to legislate. To admit that the assembly had not the right of control over these expenditures was practically to admit that they had not the right to pass legislation whose effect would depend upon the expenditures being made, and, though they were not expressly empowered to pass such legislation. The majority felt that the advisory council had betrayed the assembly and the country, as the price of securing office for themselves, and therefore could not vote to endorse their executive actions—were in fact compelled to vote want of confidence in them, and as a last resort to secure their removal from control to which they had attained by improper means, to refuse to vote the supplies, that is to refuse to allow the executive to expend that portion of the funds raised directly from the people of the Territories of which the assembly was then admitted to have full control. As a result of that vote the advisors resigned. The lieutenant governor was unable to get any other four to take office on the disreputable terms on which Dr. Brett and his colleagues had accepted it, the assembly made provision for the distribution of the Territorial monies of which their control was admitted, and the session closed.

No sooner had this occurred than the federal government moved directly to Ottawa, and granted the dissolution of the ordinance concerning the distribution of the purely local funds according to the wishes of people's representatives. Returning to Ottawa, he again called upon Dr. Brett, in defiance of the vote of want of confidence of the assembly which he himself had admitted

must be respected, to form a new advisory council and forthwith proceed to disburse the public money, local as well as federal, and execute the ordinances—or leave unexecuted, without the slightest regard to the wishes of the representatives of the people. Regarding the school ordinances, the most important with which the assembly has to deal, the one with which it is most expressly empowered to deal, and the one involving the greater share of the Territorial revenues—he caused to be issued a circular announcing to the trustees throughout the country that they might prepare for a reduction in the amount of the grant promised by the Northwest assembly, thereby placing the assembly in the position of being guilty of a breach of faith with the people in having made promises of financial assistance which they were unable to fulfil.

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Red Deer, September 19th, 1890.

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THE OTHER SIDE.

The Free Press publishes an interview with Dr. Brett leader of the advisory council in the Northwest assembly, in which that gentleman sets forth his side of the question recently up for discussion in the assembly. In order that the BULLETIN's readers may be in a position to judge as to the contentions of the advisory council the interview is given in full, thinking it will do justice to the speaking of the other side.

Dr. Brett, of course, Royal, he says "the situation the governor controlled was a very trying and unpleasant one, in that he was blamed while having no option as to his course; the only line of action which could follow being that finally defined by the privy council of the Dominion. So far as all matters connected with the expenditure of moneys, either local or federal, were concerned, the lieutenant-governor had no control whatever over the council. He does not spend, without taking fair service, a dollar of the funds of which he has control, but part of the moneys voted by the Dominion parliament to the Northwest Territories come from Ottawa; and of these payments the lieutenant-governor simply gets an account every month."

The duties of the advisory council, Dr. Brett says, are thoroughly defined by Dr. Macdonald, and they are simply to go out and administer the funds until the way is cleared for a new election. The fighting in the legislative assembly has been practically over the same issue this year as last year, namely, the question of the federal funds. The advisory council, the advisory council to assume control of all these funds, which the council contend they could not do according to the law. The majority also demanded that the council should become responsible to the assembly. The other advisory council, Dr. Brett points out, made a mistake in bringing down an ordinance in which they assumed to have absolute control.

Afterwards, finding that a large proportion of the members were split at Ottawa, they were afraid to face the assembly, and signed. If they had still maintained that they had control, they would have been asked why they did not demand back what the federal government had, and they admitted they had not control; they would have been asked why they had not known it before. They were afraid to meet the criticism.

Dr. Brett thinks the existing system can have been worked out very satisfactorily so far as the assembly. The assembly had the members been reasonable and disposed to make the best of it. He does, however, think that any advisory council could not be satisfied with the house at present. The cabinet he maintains ought to have absolute control of the moneys of the Territories; that is, of whatever is given by the Dominion. The executive, he further claims, should be responsible to the assembly. This, he believes, would satisfy the majority of the members. The session of the assembly, he considers, would have been a fitting time for the majority to formulate a reasonable scheme of government for the Territories for the future, as the most important changes are likely to be made this year, the present system not being satisfactory, and not being worked out satisfactorily. Some definite plan should have been devised and placed before the assembly. Dr. Brett says, however, in view of the object of simply taking the Dominion government by the throat and forcing it to give something different from the present system without saying what that something was to be. The only thing he advises is to cause the advisory council to resign, and to re-elect a new government. The majority, as the lieutenant-governor must, according to the statute, have an advisory council. Dr. Brett believes the actions of the majority in the assembly will produce this effect: the people have begun to think about the situation; and the feeling that once existed as to full provincial government in the Territories is not now entertained except by a few individuals. There is a suspicion being that the time has not come for such an institution. He further believes that the actions of the majority in the assembly will demonstrate to the Dominion government that it is wise not to give the executive powers of provincial government. He says, there were constitutional governments and the same spirit should actuate the majority in ruling; great injustice might be done to the minority. With such a suggestion, he believes, the provincial cabinet portion of the assembly would suffer to an irreconcilable degree. He fears the result will be that in view of a divided house the Dominion government will not make the concessions it otherwise would have made. Protection. It says good strongly against the majority, and郎engages that were silent

or in favor of the majority at the beginning all now denounce their actions, and they have felt very keenly. Hence they are anxious that the assembly should pro-
pose, that they might get away. In Regina, public feeling set so strongly against them that they weakened in their attitude materially. The people were discontented with unfair and unjust methods adopted, and particularly the extreme unfairness shown in the Cullen matter.



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